

STATE OF MICHIGAN
COURT OF APPEALS

ALLSTATE INSURANCE COMPANY,

Plaintiff-Appellant,

v

ROBERT JAMES CLARKE, and JANET M.
CARPENTIER, Personal Representative of the
Estate of KEVIN LEE SALINAS, Deceased,

Defendants-Appellees.

UNPUBLISHED
September 18, 2007

No. 248934
Kent Circuit Court
LC No. 02-003915-CK

JANET M. CARPENTIER, Personal
Representative of the Estate of KEVIN LEE
SALINAS, Deceased,

Plaintiff-Appellee,

v

ROBERT JAMES CLARKE,

Defendant-Appellant.

No. 249398
Kent Circuit Court
LC No. 02-001010-NO

Before: Sawyer, P.J., and White and Talbot, JJ.

WHITE, J. (*concurring*).

In Docket No. 249398, I agree that the circuit court erred in its apparent conclusion that MCL 600.2955b sets forth a cause of action,¹ in addition to a statutory defense to any otherwise viable causes of action. I also agree that the court misapplied *Maiden v Rozwood*, 461 Mich 109, 123; 597 NW2d 817 (1999).

¹ The circuit court dismissed all of plaintiff's other negligence claims.

In Docket No. 248934, I conclude that coverage is barred by the policy's exclusion of coverage for bodily injury intended by, or which may reasonably be expected to result from the intentional or criminal acts or omissions of, any insured person. *Auto-Owners Ins Co v Harrington*, 455 Mich 377; 565 NW2d 839 (1997).

/s/ Helene N. White